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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,532	02/09/2001	Clive Wood	GNN-012CP	8383

959 7590 07/01/2002

LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109

EXAMINER

QIAN, CELINE X

ART UNIT	PAPER NUMBER
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1636

DATE MAILED: 07/01/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/780,532

Applicant(s)

WOOD ET AL.

Examiner

Celine Qian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-38 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-38 are pending in the application.

#### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 3-5, 15, 17-20 and 26, drawn to a method of modulating cell proliferation comprising contacting cell with a polypeptide that modulates the expression of a TRADE molecule, classified in class 530, subclass 350.
- II. Claims 1, 3-5, 9, 10, 15, 21 and 22, drawn to a method of modulating cell proliferation comprising contacting cell with a nucleic acid that modulates the expression of a TRADE molecule, classified in class 435, subclass 320.1.
- III. Claims 1, 3-5, 9, 11, 15, 21 and 23, drawn to a method of modulating cell proliferation comprising contacting cell with an anti-sense to a nucleic acid that encoding a TRADE molecule and modulates a TRADE molecule expression, classified in class 536, subclass 24.5.
- IV. Claims 15 and 24, drawn to a method of modulating cell proliferation comprising contacting cell with an antibody that recognize a TRADE molecule and modulates a TRADE molecule expression, classified in class 530, subclass 387.1.
- V. Claims 2, 3-5, 6-8, 13, 14, 16-20, 25, 27 and 28, drawn to a method of modulating cell proliferation comprising contacting cell with a polypeptide that modulates the activity of a TRADE molecule, classified in class 530, subclass 350.

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- VI. Claims 2, 3-5, 9, 10, 13, 14, 16, 17, 21, 22 and 25, drawn to a method of modulating cell proliferation comprising contacting cell with a nucleic acid that modulates the activity of a TRADE molecule, classified in class 536, subclass 23.1.
- VII. Claims 2, 3-5, 9, 11, 13, 14, 16, 17, 21, 23 and 25, drawn to a method of modulating cell proliferation comprising contacting cell with an anti-sense to a nucleic acid that encoding a TRADE molecule and modulates a TRADE molecule activity, classified in class 536, subclass 24.5.
- VIII. Claims 2, 12, 13, 14, 16, 17, 24 and 25, drawn to a method of modulating cell proliferation comprising contacting cell with an antibody that recognize a TRADE molecule and modulates a TRADE molecule activity, classified in class 530, subclass 387.1.
- IX. Claims 29, 31-34 and 36, drawn to a method of treating a subject with disorder by modulating the expression of a TRADE molecule, classified in class 514, subclass 44.
- X. Claims 30, 31-35 and 37, drawn to a method of treating a subject with disorder by modulating the activity of a TRADE molecule, classified in class 424, subclass 130.1.
- XI. Claim 38, drawn to a method of detecting a TRADE associated disorder by testing the presence of a TRADE polypeptide in a biological sample, classified in class 436, subclass 500.

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The inventions are patentably distinct, each from the other for following reasons.

The inventions of Group I-XI are patentably distinct, each from the other because the inventions are drawn to methods that require different starting materials and modes of operation. Each method involves different steps. Therefore, the inventions are patentably distinct, and a search of all the groups is not co-extensive.

Applicants are further require to elect one TRADE molecule (for example, TRADE $\alpha$  or TRADE $\beta$ ) for all the groups. If either Groups V-VIII is elected, Applicants are further required to elect one signaling pathway as recited in claims 13 and 25. If either Groups IX or X is elected, Applicants are further required to elect either inflammation or neoplasia from claim 31.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, a search of one group is not co-extensive with the search of another group. Therefore, a search of all the groups is burdensome to the PTO. As such, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celine X Qian whose telephone number is 703-306-0283. The examiner can normally be reached on 9:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached on 703-305-1998. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-305-3014 for After Final communications.

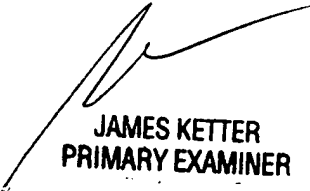
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Celine Qian, Ph.D.  
June 28, 2002



JAMES KETTER  
PRIMARY EXAMINER